IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMARY SUIT NO.1781 OF 2004

Mr.Sanjay Jaisingh Bhojane. ...Plaintiff.
Vs.
Mr. Vinayak M. Jadhav. ...Defendant.
....
Mr. Shivprasad C. Kanojia for the Plaintiff.
None for the Defendants
.....

CORAM : DR.D.Y.CHANDRACHUD, J.
9th April 2007.

P.C.:

The suit has been instituted for the recovery of a loan in the amount of Rs.1,50,000/- granted by the Plaintiff to the Defendant. On 2nd May 2001, the Defendant executed an affidavit acknowledging receipt of the loan and agreeing to pay the loan upon the expiry of a period of one month.

The Defendant has not entered appearance despite service of the writ of summons. An affidavit of service has been filed. The Plaintiff has tendered a compilation of the original documents which is taken on record. The suit falls within the purview of Order 37 of the Code of Civil Procedure, 1908. The Defendant having failed to enter appearance, the Plaintiff would be

entitled to a decree as prayed. There shall be a decree in terms of prayer clause (a), with the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum from the date of the suit until payment or realisation.

Refund of Court fee, if any, as per rules.

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